

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on October 17, 2006. This first reply is being filed within three months of the mailing date of the Final Office Action. Please consider this a Petition to Extend the period of time as necessary for filing a reply in the above-identified application. Please charge any required fee or credit overpayment to Deposit Account number 502931.

Claim 83 is amended to add the word “and” before the last recitation. Claim 93 is amended to clarify that a computer is used. No new matter is added.

Examiner Interview Summary

Examiner Pannala and Attorney Charles Lemaire had an Examiner interview by telephone on December 19, 2006. Claim 72 of the present application was discussed, along with the invention environment. The contrast between the claimed invention and the references, in particular, the Fong patent, was discussed. It was agreed that Fong was not relevant to the patentability of the present claims. Examiner Pannala agreed to reconsider the claims and perform a further search to determine whether there is more relevant art. Examiner Pannala indicated that the status of the Office Action mailed on October 17, 2006 would be changed from “final” to “non-final” based on his new understanding of the present claimed invention. Because further search would be required based on the Examiner’s current understanding of the claims, no agreement was reached relative to claim allowability at this time.

Claim Rejections – 35 USC § 112

Regarding Section 2 of the October 17, 2006 Final Office Action: The Examiner rejected claims 72 and 83 under 35 USC § 112 second paragraph as being indefinite. Applicant respectfully traverses, since the claims are not indefinite. The Office Action pointed to the limitation “substituting the retrieved value from the data store for the set of elements forming the unique key in the markup-language template” asserting that the specification did not clearly state “substituting the

retrieved value in the template.” Applicant respectfully traverses. First, the Examiner has not pointed to any indefinite language. Second, paragraph [0006] of the application as published, as well as original claim 1, which forms a part of the specification, recited “... preparing a request comprising a portion of the template after substituting the key for at least the attribute value.” Paragraph [0025] states clearly: “The output page 107 typically includes the presentation and content as described by the template 102 with portions of the template replaced by substitution. In preferred implementations, named-values 105 are substituted for markup elements and/or attributes that make reference to records of store 104.” This provides clear support and statement for the recitation in claim 72 and 83. Applicant respectfully submits that the claims are clear and definite. Reconsideration and withdrawal of the rejection, and allowance of these claims are respectfully requested.

Claim Rejections – 35 USC § 101

Regarding Section 5 of the October 17, 2006 Final Office Action: Claim 93 was rejected by the Examiner under 35 U.S.C. 101, wherein the Examiner asserted “because none of the claims are directed to statutory subject matter.” Applicant respectfully traverses.

First, Applicant does not understand whether the Examiner means to say all claims 72-93 are rejected when the Examiner says “because none of the claims are directed to statutory subject matter,” or only claim 93. Second, the Examiner says claim 93 is merely claiming non-functional descriptive material. Clearly this is not the case, since all the limitations are positive recitations of limitations. If the Examiner is stating the limitations are mental steps, Applicant disagrees, but Applicant has amended the claim to clarify that a computer is performing the recited functions. Reconsideration and withdrawal of the rejection, and allowance of this claim are respectfully requested.

Claim Rejections – USC § 103

Regarding Section 7-19 of the October 17, 2006 Final Office Action: Claims 72-93 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Fong et al. (U.S. Patent

No. 6,678,867; hereinafter “*Fong*”) and in view of Jammes et al. (U.S. Patent No. 6,484,149; hereinafter “*Jammes*”), and in view of Crossley et al (6,181,776). Applicant respectfully traverses, as fully explained in Applicant’s prior response. As far as Applicant can determine, Fong does not have a “template including a start tag comprising an attribute value, parsing being performed to determine a value name from the attribute value by identifying a set of elements that form a unique key, wherein the set of elements include a group name, a subgroup name, and a sequence element;” since Fong’s line 64 of Figure 1C is not a template, but rather a markup language line that is translated to another markup language line (86 of Fig 1D). Still further, the unique key of the present invention, which is formed from a group name, a subgroup name, and a sequence element, is used to retrieve the value from data store in the present invention. Fong, on the other hand, merely maps SGML to HTML (a markup-language mapping), not a template substitution as in the present invention. The combination of Fong and Jammes does not provide the recited claims, since Jammes does not provide the parsing and substitution functions described above as lacking in Fong. Still further, the Examiner states that Jammes would provide Fong’s method to provide a user with the response from the server to facilitate the developers with needed functionality and flexibility to controls a dynamic electronic store environment, per Jammes Column 1. Applicant respectfully traverses, since nothing in Fong indicates any need for an electronic store, nor any lack of functionality. It is impermissible for the Examiner to use the present invention as a template for stitching together unrelated technologies, and Examiner has failed to show how translating one markup language to another, as in Fong, would be useful in Jammes environment where Jammes already outputs perfectly displayable HTML. Accordingly, the Office Action has failed to provide a *prima facie* case of obviousness; thus claim 72 and its dependent claims 73-81 appear in condition for allowance and such action is respectfully requested.

Further claim 82 is a computer-readable medium claim and claim 83 is a means-plus-function (35 USC 112 paragraph 6) claim that parallel claim 72. These claims and dependent claims 84-92 thus also appear in condition for allowance for the reasons, and such action is respectfully requested.

The Examiner points to Crossley as providing missing parts not found in Fong or Jammes. Applicant respectfully traverses, since Crossley merely happens to use three of the words from

Applicant's claim within one paragraph, and does not teach or suggest the claimed invention. At column 2:57-column 3:5, Crossley says

"A **group** may contain information in the form of items (objects), **subgroups**, or a combination of the two. Similarly, each sub-group is configured like a group. Within a group or **sub-group**, data is organized as a scalar item or a table. A scalar item is a single piece of information, for example, the total memory in a server. A table is a structure for organizing several pieces of information, or elements, to uniquely identify a single data item within a group of similar items. A table includes a **SEQUENCE** operator, which provides a definition for a table type from a group of several standard types. A table also includes a **SEQUENCE-OF** operator, which defines a list having the same type of elements. A table also includes an **INDEX** clause, which specifies the items that can be used to uniquely identify an element in the table. An example of an item that can be organized in a table is an EISA board ID."

This does not teach or suggest "parsing being performed to determine a value name from the attribute value by identifying a set of elements that form a unique key, wherein the set of elements include a group name, a subgroup name, and a sequence element" as recited in Applicant's claim 72, since a **SEQUENCE operator** described in Crossley is not a **sequence element** as recited in the claim, and no parsing in the context of the present claim is described or suggested. The Examiner's argument is erroneously based on words taken out of context in Crossley.

Accordingly, reconsideration and withdrawal of the rejections and an early indication of allowance is respectfully requested.

Further regarding claims 73 and 84, the Examiner asserts that Jammes parses a message from a client, and points to column 4:15-18 and column 44:57-60, apparently of Jammes. Applicant can find nothing in the cited portions or elsewhere in Jammes that provides the recited limitations "parsing a message received from the client, the message comprising the key and an update value; and updating the store in accordance with the update value at a record accessed in accordance with the key." or the limitations of the claims as a whole. Accordingly, reconsideration and withdrawal of the rejections and an early indication of allowance is respectfully requested.

Further regarding claims 75 and 86, the Examiner asserts that Jammes has a key with first, second, and third indicia, and points to column 3:25-26, apparently of Jammes. Applicant can find nothing in the cited portions or elsewhere in Jammes that provides the recited limitation "the key comprises first indicia identifying a group of records of the store, second indicia identifying a

subgroup of the group, and third indicia identifying a record of the subgroup.” or the limitations of the claims as a whole. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Further regarding claim 76, the Examiner asserts that Jammes (which says “Data records of a product information database store information comprising an inventory of an electronic store, including information about products and groups and the relationships between them. Software tools of the Merchant Workbench create and update the data records of the product information database in response to user manipulation of the graphical user interface.”) has “the record comprises a first field, a second field, and a third field, wherein the first field comprises a first value, the second field comprises a second value; and the third field comprises a third value”. Applicant respectfully traverses, since this passage of Jammes does not have a first, second or third field or first, second or third value. It is impermissible for the Examiner to use the present invention as a template for asserting things in Jammes that are not there. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Further regarding claim 77, the Examiner asserts that Jammes (which says “the expand and contract, drag and drop, and double click events recognized by the tree structure control 304 and the store management control 306 may occur as a result of a series of key strokes typed on a keyboard rather than by use of a mouse pointer. For example, an element of either the left pane 308 or the right pane 309 may be selected by pressing the tab key repeatedly until a desired item is highlighted (usually by rendering it in a different color) indicating that it is selected. A double click event may occur by pressing the enter key when an element has been selected using the tab key. Also, drag and drop events may occur by using the tab key to select an element using keyboard keystrokes to activate a pulldown menu, to select a cut option, and to select a paste option.”) has “wherein the key comprises a result of concatenation of the first indicia, the second indicia, and the third indicia”. Applicant respectfully traverses, since this passage of Jammes does not describe nor suggest the recited limitation, nor does Figure 3 of Jammes show a key or add the missing portions of the Examiner’s argument. It is impermissible for the Examiner to use the present invention as a template for asserting things in Jammes that are not there. The Examiner has failed to provide a *prima facie* case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Further regarding claim 78, the Examiner asserts that Jammes (which says “In a further step 1122, the Web server 106 transmits a result message to the enhanced Web browser indicating whether the database command successfully removed a data record from the product information database 116. The result message includes a result code in **name/value** pair format. When a data record is successfully removed, the result code is, for example, “Result=Success.” When a data record is not removed due to a non-fatal error, the result code is, for example, “Result=Non-Fatal Error.””) has “the key comprises a result of concatenation of the first indicia, the second indicia, and the third indicia”. Applicant respectfully traverses, since this passage of Jammes does not describe nor suggest the recited limitation, but merely includes two words pulled out of context. The entire claim must be considered as a whole including the limitations of the independent claim and all intervening claims; it is impermissible for the Examiner to consider merely two words from a dependent claim as the entire claim. The Examiner has failed to provide a *prima facie* case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Further regarding claim 79, the Examiner asserts that Jammes has claim 79’s “the store comprises a plurality of value names and a corresponding plurality of named values; the value name is a member of the plurality of value names; and the step for updating further comprises a step for assigning the update value as the named value corresponding to the value name.”. Applicant respectfully traverses, since the referenced passage of Jammes does not describe nor suggest the recited limitation. The entire claim must be considered as a whole including the limitations of the independent claim and all intervening claims; it is impermissible for the Examiner to consider says that a limitation in Applicant’s claim is obvious from a phrase in Jammes (“If a dragged element represents a group, then the R_Drag_Event_Handler accesses drag source information including Group_ID value, Group_Name value, Parent value, and a Type value. A Type value of ‘G’ indicates, for example, that the dragged element represents a group. If a dragged element represents a product, however, then the R_Drag_Event_Handler accesses drag source information including Product_ID value, Product_Name value, and a Type value of ‘P’ (indicating that the dragged element represents a product).” discussing dragging sources and panes) having nothing to do with the recited language. The Examiner has failed to provide a *prima facie* case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Further regarding claims 80-81, the Examiner asserts that Fong has claim 80's "parsing to determine the value name comprises parsing the attribute value according to the markup language to determine a second start tag and a second attribute value; and the value name is determined in accordance with the second attribute value." Applicant respectfully traverses, since Fong does not provide the second start tag and attribute value, and since claim 80 is not just the limitation of claim 80, but must be considered as a whole including the limitations of the independent claim and all intervening claims, and the Examiner must show that the claim as a whole is obvious from the combined references, and the motivation for combination is in the references. The same argument applies to the limitation of claim 81. Applicant respectfully submits that the Examiner has failed to provide a *prima facie* case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Regarding claim 82, the Examiner asserts that Jammes has claim 82's "computer readable medium" (neglecting to show all the other limitations of claim 82), simply since Jammes recites a web browser. Applicant respectfully submits that a web browser alone does not provide instructions to perform the recited method. Applicant respectfully submits that the Examiner has thus failed to provide a *prima facie* case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Regarding claim 93, the Examiner lists a series of things in Fong, such as a GUI, transformation from one structured format to another, allowing a user to interactively define the mapping (neglecting to show the relevance of this to the claimed invention of claim 93 ("composing, by a computer, a page to be sent via a network, the page comprising: a start tag comprising an attribute value, the attribute value comprising a value name; and at least one named value recalled from the record of the store; decomposing, by a computer, a message received via the network, the message comprising indicia of the value name and a replacement value; and updating, by a computer, the named value of the record in accordance with the replacement value, wherein updating comprises accessing the record in accordance with the indicia of the value name.") The SGML mapping does not update a named value in the record in accordance with the replacement value. Applicant respectfully submits that the translation from one markup to another does not provide or perform the recited method. Applicant respectfully submits that the Examiner has thus failed to provide a *prima*

facie case for obviousness. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Charles A. Lemaire (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account Number 502931.

Respectfully submitted,

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